

Members:

Rep. Thomas Kromkowski, Chairperson  
Rep. Robert Behning  
Rep. Kathy Richardson  
Sen. Sue Landske  
Sen. Billie Breaux  
Sen. Becky Skillman  
Sen. Allie Craycraft  
James Barcome



## **CENSUS DATA ADVISORY COMMITTEE**

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### **MEETING MINUTES**

Meeting Date: October 6, 1998  
Meeting Time: 10:30 A.M.  
Meeting Place: State House, 200 W. Washington St.,  
Room 233  
Meeting City: Indianapolis, Indiana  
Meeting Number: 3

Members Present: Rep. Thomas Kromkowski, Chairperson; Rep. Robert Behning;  
Rep. Kathy Richardson; Sen. Becky Skillman; Sen. Allie Craycraft.

Members Absent: Sen. Sue Landske; Sen. Billie Breaux; James Barcome.

### **Call to Order**

The Chair called the meeting to order at 10:40 a.m. The Chair noted that there was not a quorum present at the time, but out of deference to guests from Washington, D.C. the Chair opened the meeting to testimony.

### **Approval of Minutes**

At the first opportunity after the Chair saw a quorum, the Committee approved the minutes of the September 22 meeting by consent.

**Information Regarding the 2000 Census: Enumeration and Sampling**

The Chair recognized Mr. Fred Asbell, Executive Director for the Congressional Members, Census Monitoring Board.<sup>1</sup> The Census Monitoring Board was created in 1997 "to observe and monitor all aspects of the preparation and implementation of the 2000 decennial census." The Board consists of eight members, four appointed by Congress and four by the President of the United States. The four appointed by Congress are known as the "Congressional Members". Mr. Asbell introduced himself and his colleagues, Mr. Charlie Jones and Ms. Ann McCord. He told the Committee that Mr. Jones is a former associate director of the Census Bureau for many years who advises the Congressional Members. Ms. McCord is assigned outreach duties.

Mr. Asbell told the Committee that the Census Monitoring Board is not a part of the Census Bureau but is an independent body created by Congress in 1997. Mr. Asbell stated that the Committee is required to give a report of its findings to Congress by February 1, 1999. He said the Board is particularly interested in receiving input from state and local government.

Representative Kromkowski told Mr. Asbell that Committee members had heard about the impact of a potential undercount of Indiana's population on federal funding and the loss of a seat in Congress. He asked whether Mr. Asbell had any information whether the 2000 Census would use sampling. Mr. Asbell responded that the outcome is not clear. He reported that in August a special federal court found that the Census Bureau could not use sampling for purposes of apportionment of congressional seats. The U.S. Supreme Court has agreed to hear an appeal of this decision and has scheduled oral argument on November 30 with a promised decision by February or March of 1999.

Mr. Asbell told the Committee that among the reasons there is such uncertainty is that the actual statistical methods by which the Bureau proposes to adjust the enumeration have not been made public. He sketched the general outlines of what is known about what the Bureau proposes to do. In general, the Bureau hopes actually to count about 90% of the population and to use various techniques to estimate the number of nonrespondents. Mr. Asbell hypothesized that the use of sampling might depress the actual response rate (estimated to be about 67%) because if it is widely known that the Bureau will use statistical means to estimate nonrespondents, an attitude could be generated among citizens that it isn't important to participate in the Census because those who don't will be accounted for statistically.

Mr. Asbell discussed the reasons that sampling had been proposed. The major reason is that the 1990 Census was estimated to be less accurate than previous population counts and that the rate of undercount was not uniform among the population, a phenomenon known as the "differential undercount". Certain portions of the population, such as certain minority groups and the young were estimated to have been counted less accurately than others.

Mr. Asbell speculated that there might be some compromise on the question of sampling,

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1. Mr. Asbell provided the Committee with a folder of materials relating to the work of the Census Monitoring Board. The folder contains six separate items. A copy of each of these materials is on file in the Legislative Information Center, Room 230 of the State House, Indianapolis, Indiana. The telephone number of the Legislative Information Center is (317) 232-9856, and the mailing address is 200 W. Washington St., Suite 301, Indianapolis, Indiana 46204-2789.

permitting statistical methods for some purposes and not others. He said that there is particular concern about the accuracy of the sampling methods for reporting population data at small scales. He said that the Congressional Members have a concern that there will not be a local review process similar to the one used after the 1990 Census. There is also concern about the accuracy of the master address files used by the Census Bureau. Accuracy of these files is crucial to conducting an accurate census. Mr. Asbell told the Committee that about 50% of many Indiana local units of government have not yet indicated a willingness to participate in the LUCA (Local Update of Census Addresses) program.

Mr. Asbell said that a census still requires that people be found to be counted. He said there is interest in using other governmental administrative records to supplement and cross check the master address file. He said that state and local governments should start thinking about structuring files and databases to be coordinated with Census Bureau information. Mr. Asbell concluded by saying that he thinks that the 2000 Census will be conducted as a full enumeration with sampling used in addition to look at undercounting problems.

Representative Behning asked if it is true that if sampling is used, states such as Indiana in which a better job has been done to count the population will be at a disadvantage. Mr. Jones responded that the 1990 Census revealed that Indiana's population increased by about 0.5% while the nation's population had increased by 1.6%. If Indiana's population increases more slowly than the rest of the nation, the state will be at a comparative disadvantage. He said that it was hard to speculate as to how Indiana would fare.

Representative Behning asked whether states with large urban populations would have an advantage if sampling is used as compared to more rural states. Mr. Jones replied that undercounting in the Midwest has generally been lower than the nation as a whole. He added that undercounts in rural areas can be high because the Census Bureau has more trouble getting accurate address information for rural areas. He said that another problem is finding people in rental housing because addresses are not as accurate in large apartment complexes as in places where single family dwellings predominate.

In response to a question about a pilot project of sampling conducted by the Census Bureau, Mr. Jones explained that a "dress rehearsal" was conducted in Sacramento, California and in a county in South Carolina in which sampling was used to compare to an actual count. He said results from this test are due by the end of the year. Mr. Jones expressed doubt as to whether the results would be good enough to draw general conclusions for the entire country. He noted that the two sites were chosen and not randomly selected.

Representative Richardson explained the LUCA program as she understood it and suggested that the Census Bureau might have sent the request to participate to the wrong officials, people who did not understand its significance. She asked whether local units of government could still participate in LUCA. Mr. Asbell responded that he did not think it was too late for local governments to participate. He stated that one problem could be that participation requires local units of government to agree to certain confidentiality requirements that some local governments may not know or understand how to handle.

Representative Richardson asked why the Bureau did not plan to use a local review process for the 2000 Census. Mr. Asbell responded that the local review program in 1990 was an afterthought. He said that the program permitted local governments to review housing unit counts and population counts. He said as a result of local review, the Bureau recanvassed and

reviewed data from 20% of the census blocks after the 1990 Census. He said that there are no plans for local review for the 2000 Census because the Bureau expected to use sampling under which a single national population number would be reported to the President. Under such a system, there would be nothing to review.

### **Presentation and Discussion of Bill Drafts**

Kristi Robertson, Co-General Counsel of the Indiana Election Division presented PD 3383<sup>2</sup> and PD 3385<sup>3</sup>. Ms. Robertson explained that PD 3383 was the proposal to require the last four digits of a voter's Social Security Number to be used in the voter's registration records. This proposal was discussed at the previous meeting.

Ms. Robertson explained that PD 3385 would require a voter registration official to place a voter on inactive status at the voter's current address if the official obtains information that a voter has moved but does not receive a forwarding address. In response to a question from Senator Craycraft, Ms. Robertson emphasized that inactive status is not equivalent to being removed from voter registration roles. An inactive voter becomes active again by voting. Federal law does not permit removal of a voter's registration until after the second general election after the voter becomes inactive. Ms. Robertson explained that this draft also included an appropriation for the voter outreach program described in the previous meeting. The amount of the appropriation was left blank until the Election Division could obtain more information regarding the cost. Ms. Robertson also said that the draft should have included language for the voter outreach program. Staff informed the Committee that the language was inadvertently omitted and staff provided the Committee with the language to amend IC 3-7-38.2-16. The Committee approved adding the language by consent.

Representative Behning moved that PD 3385 as amended and PD 3383 both be approved. Senator Craycraft seconded the motion. The Committee adopted the motion unanimously by a show of hands.

Brad King, Co-General Counsel of the Indiana Election Division presented PD 3384<sup>4</sup>. Mr. King explained that in response to the Committee's wish that expenditure reports be easy both for candidates to complete and the public to understand, the Election Division proposed that there be not more than 10 expenditure codes. When asked by Senator Skillman, Mr. King conceded that the Division had not yet developed the specific codes, but thought that by putting a reasonable upper limit on the number of codes, the General Assembly would convey the message that the system should be simple and easy to use.

Representative Richardson moved that PD 3384 be approved by the Committee as presented. Representative Behning seconded the motion. The Committee adopted the motion unanimously by a show of hands.

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2. A copy of PD 3383 is on file with the Legislative Information Center (see footnote 1).

3. A copy of PD 3385 is on file with the Legislative Information Center (see footnote 1).

4. A copy of PD 3384 is on file with the Legislative Information Center (see footnote 1).

Mr. King presented PD 3293<sup>5</sup> relating to campaign finance reports and filing reports of large contributions. This draft was unchanged from the previous meeting. The Committee discussed filing large campaign contribution reports. Senator Craycraft asked why reports of large contributions could not be filed as part of a candidate's annual report. The Committee was reminded that the public policy under the large contribution report was to give voters information before the election about who was providing substantial support for candidates. If this information was not reported until the annual report, voters would not have the information until after the election.

A motion was made and seconded to delete SECTION 7 of the draft which would have amended the existing large contribution reporting statute. The remaining language would change Indiana law so that large contributions would be reported only if received and within 48 hours of receipt. The motion was adopted by consent.

A motion was made and seconded to approve PD 3293 as amended. The Committee adopted the motion unanimously by a show of hands.

Mr. King presented PD 3386<sup>6</sup>. Mr. King described an optical scan ballot card system and explained how it differed from other electronic voting systems. Mr. King said that statutes referring to "stubs" on ballots used by other electronic voting systems have no application to optical scan systems. The draft would provide that those statutes do not apply to optical scan systems. Mr. King advised the Committee that other statutes might require changes so that optical scan systems can be used.

Senator Skillman moved that PD 3386 be approved as presented. The motion was seconded by Representative Richardson. The Committee adopted the motion unanimously by a show of hands.

Mr. King presented PD 3345<sup>7</sup> and distributed a summary of the draft.<sup>8</sup> He said that PD 3345 was the same as the general draft presented at the previous meeting except that the provisions relating to the Lake County combined board of elections and registration were omitted. Staff reported that after production of PD 3345, Mr. King had noted that the date on page 1, line 3 could be stricken because it would be obsolete after this coming general election day. Staff also told the Committee that Mr. King had found a reference to the combined board on page 22, lines 14 through 15 that should be corrected. The Committee adopted these amendments by consent.

Representative Richardson moved that PD 3386 be approved as amended. The motion was seconded by Representative Behning. The Committee adopted the motion unanimously by a show of hands.

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5. A copy of PD 3293 is on file with the Legislative Information Center (see footnote 1).

6. A copy of PD 3386 is on file with the Legislative Information Center (see footnote 1).

7. A copy of PD 3345 is on file with the Legislative Information Center (see footnote 1).

8. A copy of the summary is on file with the Legislative Information Center (see footnote 1).

### **Other Committee Business**

The Chair recognized Dr. Morton Marcus, Director, Indiana Business Research Center, at Indiana University. Dr. Marcus distributed copies of a proposal and budget for a program to "promote maximum Hoosier response to the decennial census 2000" called "ICAUSE" ("Indiana Census Awareness & Use Statewide Effort").<sup>9</sup>

Dr. Marcus provided information in addition to that provided by Mr. Asbell regarding participation by Indiana local governments in the programs to assist the Census Bureau in updating the master address file. Dr. Marcus said that a more important consideration than how many local governments have not responded to the Census Bureau is what local governments have not responded. He emphasized that what is important is that each geographic area of a county be accounted for and if any governmental entity or combination of entities can account for the entire county, it is not necessary that every governmental unit respond. Dr. Marcus noted that in 15 Indiana counties no local government had responded to the Census Bureau while in 51 counties, county government did not respond.

Dr. Marcus told the Committee that he had obtained \$50,000 from the executive branch to "jumpstart" the efforts outlined in his proposal. He said that the amount shown in the proposal budget does not include that \$50,000.

Representative Richardson asked whether groups such as the Indiana Association of Cities and Towns and the Association of Indiana Counties could be helpful in stressing to local governments how important it is to be involved with the Census Bureau programs. Senator Craycraft suggested that withholding funds from political subdivisions could be a way to get attention. Dr. Marcus agreed that approaching governmental organizations to help should be tried again before embarrassment or other punitive measures should be tried.

The Chair instructed staff to include in the Committee's draft final report a Committee recommendation that the program described by Dr. Marcus be supported.

The Chair recognized Mr. Steve Key, representing the Hoosier State Press Association, to discuss a proposal relating to public access to election materials. Mr. Key distributed copies of a memorandum concerning a proposed amendment to IC 3-10-1-31.<sup>10</sup> He explained that the proposal would make election materials subject to inspection and copying after the period during which a petition for which a recount could be filed lapses and if a petition for a recount is filed, after the recount is completed. Representative Kromkowski said he was concerned that if public access to election materials is made easier than under current law, an election official would not be able to account for the custody of the materials in the event of litigation. Mr. Key responded that the same problem would exist for all public records that might be relevant in a judicial proceeding and he has not perceived that the issue has been raised in other litigation involving public records.

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9. A copy of the proposal and budget is on file with the Legislative Information Center (see footnote 1).

10. A copy of the memorandum is on file with the Legislative Information Center (see footnote 1).

**Next Meeting Date**

The Chair set the Committee's next meeting date to be Tuesday, October 20 at 10:30 a.m. The Chair stated that the purpose of the meeting would be to consider and adopt a report of the Committee's work for the 1998 Interim.

**Adjournment**

The Chair adjourned the meeting at approximately 12:10 p.m.